

**TOWN COUNCIL
REGULAR MEETING
SEPTEMBER 15, 1999**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:18 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Bush and Councilmembers Cox, Paul and Weiner. Also present were Town Administrator Middaugh, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

3. PRESENTATIONS

3.1 Vietnam Veterans of America Chapter #23 POW/MIA

Vice-Mayor Bush read a proclamation proclaiming September 18th as National POW/MIA Recognition Day. Steve Chomack, President, Vietnam Veterans of America Chapter 23, presented the Town with a new POW/MIA flag and thanked Council for its support.

3.2 Horseshoe Trophy

Vice-Mayor Bush presented employees Dennis Melegari and Gary Killiam with the first place trophy that was won at the employee picnic. Mr. Melegari presented Vice-Mayor Bush and Mr. Middaugh with the second place trophy.

3.3 Michael Brown, Police Service Aide - Five Years
Mr. Brown was not present.

3.4 Christmas Lakhram, Maintenance Technician I - Five Years
Mayor Venis presented Mr. Lakhram with a service award.

3.5 Terry Edwards, Maintenance Technician I - Ten Years
Mayor Venis presented Mr. Edwards with a service award.

3.6 Leonard Costanza, Fire Inspector - Fifteen Years
Mayor Venis presented Inspector Costanza with a service award.

3.7 Edward Kraynack, Jr., Police Officer - Fifteen Years
Officer Kraynack was not present.

3.8 David Pavone, Police Officer - Fifteen Years
Mayor Venis presented Officer Pavone with a service award.

3.9 James Robbins, Fire Inspector - Fifteen Years
Mayor Venis presented Inspector Robbins with a service award.

3.10 David Taylor, Fire Lieutenant - Twenty Years
Mayor Venis presented Lieutenant Taylor with a service award.

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3.11 Community Redevelopment Agency

This item was rescheduled to the October 20, 1999 meeting.

3.12 Upcoming Special Events - Sharon Pierce-Kent and Bonnie Stafiej

Sharon Pierce-Kent, Community Services Director, advised that roller and soccer hockey registration had begun and tickets for the Senior Citizens Ball were being sold.

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: country craft show (September 18th); Five Star Rodeo (September 24th to September 25th); and the Safety Summit Symposium (October 23rd).

3.13 Reese Road Update

Assistant Town Administrator Robert Rawls announced that the negotiations had resulted in the need for a cash supplement of approximately \$39,000 and outside sources for funding had been unsuccessful. He requested direction for the Town to provide a cash supplement not to exceed \$40,000 with the understanding that Broward County would be requested to increase its contribution. Mr. Rawls noted that the Town had attempted to act as a facilitator; however, in order to close the deal, he felt the supplement was necessary.

Vice Mayor Bush made a motion, seconded by Councilmember Cox, to supplement the Reese Road Update project. Councilmember Weiner questioned from which line item the funds would be dispersed. Mr. Rawls felt the monies would come from the road maintenance account for the next fiscal year.

In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis asked the timeframe for this project. Mr. Rawls described a preliminary document which would be proposed in order to allow construction to begin prior to the final closing date. He indicated that it was conceivable that construction could begin within 30 days.

Mayor Venis announced that item 10.5 had been withdrawn by the petitioner, item 10.6 needed to be tabled to October 6, 1999, and item 10.7 needed to be tabled to November 3, 1999.

Councilmember Paul made a motion, seconded by Councilmember Cox, to table item 10.6 until October 6, 1999. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Paul made a motion, seconded by Councilmember Weiner, to table item 10.7 until November 3, 1999. In a voice vote, all voted in favor. (Motion carried 5-0)

4. MAYOR/COUNCILMEMBERS COMMENTS

MAYOR VENIS

KIWANIS CLUB. Mayor Venis congratulated Wayne Arnold who had been elected Lieutenant Governor for the Kiwanis Club of Broward County.

HURRICANE. Mayor Venis thanked staff for their efforts on preparing the Town for the hurricane. He noted that he had received a call from Waste Management who was willing to pick up debris.

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MEETING. Mayor Venis announced that he, Mr. Middaugh and Mr. Rawls had met with the homeowners' associations along Nova Drive in which traffic issues and community concerns were discussed. He advised that another meeting would be scheduled in November in order to come to a conclusion regarding the traffic issues, traffic calming devices, and Code Compliance issues.

CONCERNS WITH DEVELOPMENT. Mayor Venis referenced meetings which had been held with several homeowners' associations near the Ivanhoe area regarding the Muvico theater and the shopping area. He would like to ensure that the concessions and promises that were made had been kept and asked that staff review the list of concessions.

Mr. Rawls noted that the Sheridan Street access had been resolved with the County and indicated that the developer would be constructing an additional thru-lane which would alleviate some of the problems along Dykes Road and Sheridan Street. He added that the County had approved the application for the signal light on Sheridan Street and the developer had pledged to make an asserted effort to complete the improvements by November. Mr. Rawls felt the developer had resolved much of the issues and he was not aware of any additional complaints.

FIVE-YEAR CAPITAL PROJECTS BUDGET. Mayor Venis indicated that the Capital Projects Budget should be updated on a yearly basis. Mr. Middaugh that in the future, this would be a part of the yearly update process for the budget and would include a complete five-year plan.

TRAFFIC LIGHT. Mayor Venis advised that the poles had been delivered for the traffic light at Shot Gun Road and SW 14th Street.

HARMONY LAKES HOMEOWNERS' ASSOCIATION MEETING. Mayor Venis announced that he would be attending the Harmony Lakes Homeowner's Association meeting on September 23rd.

VICE-MAYOR BUSH

HURRICANE. Vice-Mayor Bush offered his prayers and extended best wishes to the residents along the east coast.

COUNCILMEMBER COX

GRIFFIN ROAD STUDY AREA. Councilmember Cox announced that on September 16th, a meeting would be held to discuss the new suggestions for the design of the Griffin Road corridor and the impact on surrounding parcels.

EASE LUNCHEON. Councilmember Cox advised that the EASE Foundation luncheon would be held on October 7th at Signature Grand. She announced that Robert Legg was being honored as Humanitarian of the Year.

COUNCILMEMBER WEINER

HAPPY NEW YEAR. Councilmember Weiner wished everyone a belated happy New Year and easy fast for Yom Kippur.

REQUEST FROM JUDY STERN. Councilmember Weiner acknowledged that he had received a fax from Ms. Stern on Monday; however, he had not had the opportunity to respond, but would do so shortly. He also wished her a happy birthday.

MEETING WITH MR. MIDDAUGH. Councilmember Weiner advised of a meeting with Mr. Middaugh in which discussion ensued regarding Councilmembers relocating their offices into their respective Districts. Mr. Middaugh explained that he was unsure whether all the

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Districts could be accommodated with office space and indicated that this matter would be discussed at the September 16th staff meeting. Additionally, expectations for staff's handling of documents would be set forth at that meeting.

AL TYLER. Councilmember Weiner noted the one-year anniversary of Al Tyler's death and suggested renaming a portion of Mr. Tyler's street in his honor.

COUNCILMEMBER PAUL

SAFETY SUMMIT SYMPOSIUM. Councilmember Paul thanked Ms. Stafiej for her previous announcement and indicated that preliminary fliers were distributed to Council.

EMPLOYEE PICNIC. Councilmember Paul thanked staff for their efforts on the employee picnic.

MINI-POSTER AND ESSAY CONTEST. Councilmember Paul announced that the Third Annual Mini-Poster and Essay Contest was being conducted by the Fire Department and advised that the deadline was September 24th.

DEPARTMENT OF ENVIRONMENTAL PROTECTION. Councilmember Paul advised of preliminary meetings with the Department of Planning and Environmental Protection in which the County would provide guest speakers to discuss the purchase of development rights.

PUBLIC RECORDS REQUEST. Councilmember Paul commented that elected officials needed to be able to compile information in a timely fashion in order to address issues and provide information to the constituents. She requested that this information be provided by staff in a timely fashion.

HAPPY NEW YEAR. Councilmember Paul wished everyone a belated happy New Year.

5. TOWN ADMINISTRATOR'S COMMENTS

SPECIAL COUNSEL. Mr. Middaugh advised that at the last Council meeting, Council had requested additional names for special counsel in order to address the group homes issue. It was his belief that the list was not sufficient to bring forward which was why this item had not been placed on the agenda.

STAFF REPORTS. Mr. Middaugh announced a new procedure for the reading of the planning report in which Development Services Director Mark Kutney would present an overview, note the sensitive issues, and submit the full staff report for the record.

Councilmember Weiner questioned whether Council would present questions prior to opening the hearing to the general public. Mr. Webber encouraged Council to ask questions prior to the public hearing.

CENTRAL BROWARD DRAINAGE DISTRICT (CBDD). Mr. Middaugh noted that communication had been received from the CBDD in which there was an effort to blend the drainage districts into a larger governmental agency. He requested feedback from Council.

Councilmember Weiner noted that he had received a call from Jim Kane, representing Hamilton Forman, in which Mr. Forman's concerns were expressed. Councilmember Weiner expressed concern with regard to the additional obligations, whether or not the Town was prepared, and the cost of operations. Mr. Middaugh concurred that the maintenance of the canals was costly. Mayor Venis commented that a tax would have to be assessed to provide for the operating cost. He was of the belief that the CBDD served five additional municipalities and that the canals were currently operating fine. Mayor Venis indicated that if the districts were abolished, the continuity of service would be jeopardized.

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Councilmember Cox concurred with Mayor Venis and expressed concern with regard to the responsibilities that were distributed amongst the municipalities. She felt the "local touch" would be lost if the districts were combined into a large governmental entity.

Vince Falletta, former commissioner of the CBDD, presented a brief history of the CBDD. He was in support of the keeping the CBDD as a local entity and providing no changes to the current operating procedures.

Direction was given to draft a letter to indicate the Town's belief that the District should not be changed.

6. TOWN ATTORNEY'S COMMENTS

LITIGATION. Mr. Webber provided an update on litigation in which the Town was involved: Bar-B Ranches; Orendello; 142nd Avenue; Chapter 175/185 monies; Coastal Carting; Sunrise; Statewide; LDG; Rowars and street vendors.

7. CONSENT AGENDA

Proclamations

- 7.1 Constitution Week (September 17 - 23, 1999)
- 7.2 Hunter "Patch" Adams Day (October 6, 1999)
- 7.3 Safety Summit Day (October 23, 1999)

Home Occupational Licenses

- 7.4 A Kut Above Lawn Service, Inc., 14430 SW 24 Street
- 7.5 Complete Water Systems, Inc., 5087 SW 82 Avenue
- 7.6 Lang Investments, Inc., 4200 SW 102 Avenue

Occupational License - Carnival - Waiver of Fees

- 7.7 St. David Catholic Church, 3900 South University Drive (October 21 - 24, 1999)
- 7.8 St. Bonaventure Church, 1301 SW 136 Avenue (November 11 - 14, 1999)

Resolutions

- 7.9 **PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-99-288 **APPROVING THE PURCHASE CONTRACT BETWEEN THE TOWN OF DAVIE AND THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, FOR PURCHASE OF THE OLD DAVIE SCHOOL SITE, BROWARD COUNTY SCHOOL SITE NO. 009.0; AND PROVIDING AN EFFECTIVE DATE. (tabled from September 1, 1999)**
- 7.10 **DESIGN/BUILD SERVICES - A RESOLUTION OF THE TOWN OF DAVIE,**
R-99-289 **FLORIDA, SELECTING THE FIRM OF DOUG AMOS CONSTRUCTION, INC. TO PROVIDE DESIGN/BUILD SERVICES FOR ADDITIONS TO SHENANDOAH PARK AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE A CONTRACT FOR SUCH SERVICES. (Doug Amos Construction, Inc.)**

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- 7.11
R-99-290 **GRANT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A GRANT FROM THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM FOR THE DEVELOPMENT AND RENOVATION OF PINE ISLAND PARK. (\$26,250 match)**
- 7.12
R-99-291 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO RENEW AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE BROWARD COUNTY HOUSING AUTHORITY WAIVING PAYMENT IN LIEU OF TAXES (PILOT) IN EXCHANGE FOR SERVICES PROVIDED; AND PROVIDING AN EFFECTIVE DATE. (fiscal impact - \$30,000 in-kind services)**
- 7.13
R-99-292 **PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S PURCHASE OF A LOT FROM HANS VOLKMEIER; AND PROVIDING FOR AN EFFECTIVE DATE. (\$29,000 and customary closing costs; property located on the 4200 block of SW 63 Avenue)**
- 7.14
R-99-293 **1999-2000 CRA BUDGET - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE CRA PRIOR YEAR CARRYFORWARD FUNDS AND PLACING SUCH FUNDS INTO THE FY 1999-2000 CRA BUDGET.**
- 7.15
R-99-294 **CRA SPECIAL COUNSEL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE ENGAGEMENT OF HOLLAND & KNIGHT AS SPECIAL COUNSEL TO THE DAVIE COMMUNITY REDEVELOPMENT AGENCY**
- 7.16
R-99-295 **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO APPROVE A CONTRACT WITH JOE KELLJCHIAN FOR KARATE CLASSES. (instructor to be compensated 75% of the class fee, not to exceed \$25,000)**
- 7.17
R-99-296 **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO APPROVE A CONTRACT WITH DINA P. AYERS FOR PRE-SCHOOL. (instructor to be compensated 75% of the class fee, not to exceed \$50,000)**
- 7.18
R-99-297 **CONTRACT - A RESOLUTION OF THE TOWN DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO APPROVE A CONTRACT WITH HART MOVES FOR AEROBIC CLASSES. (instructor to be compensated 75% of the class fee, not to exceed \$25,000)**

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- 7.19
R-99-298 **ORANGE BLOSSOM RODEO** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE DAVIE/COOPER CITY CHAMBER OF COMMERCE AND THE TOWN OF DAVIE (requesting waiver of rental fees; cost to Town is \$1,000)
- 7.20
R-99-299 **SUBORDINATION OF LIEN** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUBORDINATING THE LIEN OF THE TOWN OF DAVIE ON PROPERTY OWNED BY JOLMY ENTERPRISES, INC., WITH RESPECT TO CERTAIN MORTGAGE INDEBTEDNESS AND PROVIDING AN EFFECTIVE DATE.
- 7.21
R-99-300 **PURCHASE CONTRACT** - A RESOLUTION AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE A PURCHASE CONTRACT FOR THE PROPOSED "EAST DAVIE PARK SITE" SUBJECT TO APPRAISAL IN SUPPORT OF THE PURCHASE PRICE AND RATIFICATION BY THE TOWN COUNCIL AT A PUBLIC HEARING

7.7 Jim Flannery, 3649 West Hill Drive, was present on behalf of St. David's Church. He requested a waiver of fees for the occupational license requirement.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to waive. In a voice vote, all voted in favor. (Motion carried 5-0)

7.8 Mayor Venis was present on behalf of St. Bonaventure Church.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to waive. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Paul asked that item 7.3 be removed. from the Consent Agenda. Mayor Venis asked that item 7.21 be removed. Councilmember Weiner asked that item 7.1 be removed.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve the Consent Agenda without items 7.1, 7.3 and 7.21. In a voice vote, all voted in favor. (Motion carried 5-0)

7.1 Councilmember Weiner indicated that the Town was declaring September 17 – 23, 1999 as Constitution Week. He explained that the Constitution was the founding document of this country and the citizens needed to remember that the country was run by law and not emotion. Councilmember Weiner stated that the lawmakers also needed to be compassionate, to consider freedom, equality, and justice and there were constraints and framework within the rule of the law.

Councilmember Weiner made a motion, seconded by Vice-Mayor Bush, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

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7.3 Councilmember Paul read the proclamation in its entirety.

Councilmember Paul made a motion, seconded by Councilmember Cox, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

7.21 Mayor Venis stated that this resolution authorized the Town Administrator to execute a contract contingent upon appraisals and Council's ratification. He noted that this process required a public hearing and requested that other vacant parcels in the area be presented for a comparison. Councilmember Cox suggested that comparisons be made with properties to the north of Griffin Road and requested that a population count be conducted.

Councilmember Weiner advised that there was a piece of property available on the north side of Griffin Road and expressed concern with regard to the price for vacant land. He indicated that the backup documentation did not fully comport with the information on the Internet as the Town's information showed the land use as ornamental agricultural and the Property Appraiser's webpage listed it as vacant commercial. Councilmember Weiner noted his concern on the \$141,000 price per acre. He advised that there was an inaccuracy in the amount of funds available on the east side in that they were not limited to \$1 million. He suggested that this item be submitted to the Parks and Recreation Advisory Board for its recommendation. Mr. Middaugh advised that the agreement tentatively negotiated with the owner was to convey the property at the same purchase price. Councilmember Weiner noted that the backup documentation show the land valued at \$9,240 and "the printout from the Internet" showed \$603,740. He indicated that he would like more information before Council voted on the contract. Councilmember Weiner requested more information prior to taking action on this item.

Councilmember Cox commented that the existing use was a nursery; however, the zoning was industrial and she felt that an industrial use was not compatible with the area. She indicated that she believed the land was more expensive because of the industrial zoning and if the Town acquired the property, the problems with recreation and the odd zoning would be solved. Councilmember Cox noted that the intent of the Board relative to the bond issue was that \$1 million would be allocated to the east and \$1 million would be allocated to the west.

Mayor Venis questioned how the Town was obtaining the property. Mr. Webber explained that the intent was for the Town to enter into an agreement to assume Mr. Jazari's contract and to pay the expenses of the current contract purchaser. He indicated that he was unsure whether the seller would have any incentive to lower the purchase price since he had a firm contract on the property.

Councilmember Weiner questioned when the contract would expire with Mr. Webber responding that he would have to research the contract.

Councilmember Paul commented that she felt a park on the east side would be beneficial to the community. She noted that the number of students to the north of Orange Drive was greater than the number south of Orange Drive. Councilmember Paul felt that economics was relevant to the cost when there was a lack of available vacant land in the area. She questioned whether Council could postpone consideration of this issue until more information could be received, in particular, the contract; however, if this property was the only viable land in the area, Council should move forward.

Councilmember Weiner questioned if Council approved the resolution, would Council be bound to the purchase price in the contract and whether a condition could be incorporated

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subject to negotiations for the purchase price with the current owner. Mr. Webber indicated that there were several contingencies that needed to be addressed and he believed that Mr. Middaugh was advising that once due diligence was completed, information would be brought to Council for review prior to signing the contract. He recommended that prior to a signing binding contract, Council should approve the contract.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve subject to the proviso that the purchase contract that was drawn up would additionally provide the Town the opportunity to negotiate with the present owner. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8. PUBLIC HEARINGS

Budget

8.1 R-99-301 MILLAGE RATE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING THE MILLAGE RATE TO BE LEVIED FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1999, AND ENDING SEPTEMBER 30, 2000.

Town Clerk Reinfeld read the resolution by title.

Budget and Finance Director Christopher Wallace summarized that the budget had been completed without goal setting and the Town Administrator's office was requesting that the budget be revisited once the goal setting session was held and revenue items were resolved.

Mayor Venis clarified that a supplemental budget would be completed in October in which excess monies would be dispersed to various departments in conjunction with the priorities set forth at the goal setting session. He noted that the millage rate had clarified maintained and that the supplement would not affect the millage rate. Mr. Wallace commented that the timing of the supplemental budget would be in November or December depending on the goal setting session which was scheduled for October 18, 1999.

Councilmember Weiner noted that reserves from different municipalities which had been published in the newspaper included: Miramar - \$0; Hollywood - \$0; Pembroke Pines - \$0; Hillsborough Beach - \$18,500. Mr. Wallace stated that a municipality who entered into a budget year without reserves was doing a disservice to their citizens. He advised of several audited statements from municipalities and compared the undesignated, unreserved funds in the general fund to the operating budget. Mr. Wallace noted that two cities had a designation for emergencies and he had placed that figure in the unreserved portion, therefore, the average percentage of budget numbers was 20%. However, there were two cities that had very high undesignated, unreserved fund balances. Mr. Wallace advised that a typical budget's reserves were 2 1/2 months and noted that the Town's budget was less than 1 1/2 month.

Mayor Venis questioned whether the figures for the City of Sunrise was correct as it was his belief their budget would have been more than the figures represented. Mr. Wallace responded that the City of Sunrise had special revenue funds and that the figures were not reflective of the water and sewer funds.

Councilmember Cox questioned the reserve fund amount for Sunrise was 35% versus the Town's reserves of approximately 10%. Mr. Wallace responded that the Town's figures would be higher; however, he was not sure of the total amount. He advised that he would prefer to maintain three to six months in reserves but as Councilmember Weiner pointed

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out, this was a lot of money. He advised that Council needed to decide an appropriate amount for reserves and noted the lack of revenue Florida City and Homestead had suffered after Hurricane Andrew.

Councilmember Weiner commented that he was of the opinion that if there was a surplus of \$900,000 to \$1.8 million, and there were no major capital purchases or additional services anticipated, he would like to see the millage rate decreased to 5.0. This would equate to approximately \$600,000 to \$1.5 million, using Mr. Wallace's estimation, to be appropriated to the reserve funds. Mr. Wallace added that monies would be available for capital projects; however, the timing of the pension items created a risk for the Town.

Councilmember Paul felt that Mr. Wallace's estimate of the pension issue was too broad and requested an exact amount. She commented that instead of providing a specific line item with zero funds, perhaps staff could develop a formula to allow for some monies being allocated. Additionally, Councilmember Paul felt that if an overage of monies was found within the budget, this overage should be shared amongst several departments. Mr. Wallace responded that he was not able to provide an exact amount on the pension issue; however, in the retirement accounts there would be an excess amount due to several reasons. Mr. Middaugh felt if all aspects and conditions were granted in favor of the Town, the figure of \$900,000 would be excess monies. Mr. Wallace concurred and noted that in addition to the regular contribution, there was a budgeted figure of \$300,000.

Councilmember Paul indicated that no funds had been allocated to the Crime Watch Program and indicated that the Town needed to come up with a formula or percentage for what Council considered an important aspect of Community Policing.

Mayor Venis commented that when looking at "supplements" monies should be budgeted for items that involved the entire community. He felt that the Crime Watch issue should be reviewed at the budget hearing and expressed his desire that the Police Athletic League program should be continued.

Councilmember Weiner questioned the ability to use forfeiture funds and the consequences for using forfeiture funds for programs which should be funded under general operating funds. Mr. Webber advised that forfeiture funds should not be used in place of general operating funds for continuing programs and added that forfeiture funds must be for special projects that were addressed by statutory provisions. He indicated that the funds might have to be replaced if used inappropriately.

Mayor Venis asked if anyone wished to speak for or against the resolution.

Monroe Kiar, representing Hope Outreach Center, expressed his appreciation for the monies that were budgeted in the past and requested that Council budget \$7,500 to assist in the Center's efforts.

Arthur Joseph, 13700 SW 18 Court, stated his opposition to the rodeo arena. He expressed concern with regard to the Town subsidizing the arena and the subsequent torture of animals. Mr. Joseph requested the amount of monies being subsidized to the rodeo and Westfair be disclosed. He believed that the Town was making a profit on recyclable products and that the garbage bills should be reduced by \$1.80 per month. He felt this was a small issue; however, it would offer the residents a nice reward.

Linda Owen, Executive Director of the EASE Foundation, advised that a letter had been sent to Mr. Wallace with regard to a request for monies and she provided an overview of the services that were offered to the Town's residents.

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Joe Brill, representing the Special Olympics, distributed a brochure and requested a donation of \$2,000 to help offset costs for training and equipment of several sports.

Vice-Mayor Bush made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - no. (Motion carried 4-1)

8.2 **VOTER APPROVED DEBT SERVICE - A RESOLUTION OF THE TOWN OF**
R-99-302 **DAVIE, FLORIDA, ESTABLISHING THE MILLAGE RATE TO BE LEVIED FOR**
VOTER APPROVED DEBT SERVICE FOR THE FISCAL YEAR BEGINNING
OCTOBER 1, 1999, AND ENDING SEPTEMBER 30, 2000.

Town Clerk Reinfeld read the resolution by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Ordinance - Second and Final Reading

8.3 **BUDGET - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
99-32 **ADOPTING THE BUDGET FOR THE TOWN OF DAVIE FOR THE FISCAL**
YEAR 2000.

Town Clerk Reinfeld read the ordinance by title.

Councilmember Paul questioned how the additional charitable requests would be handled. Mr. Wallace indicated that the amount allocated for donations was \$121,500 with \$127,332 being requested plus the requests that had been received tonight. Councilmember Weiner advised that he had received a fax from Brookwood School requesting \$5,000. Mayor Venis suggested that this issue be discussed at the October 6th Council meeting.

Councilmember Cox explained the previous method used for charitable requests and suggested that this matter be reviewed at the next meeting. Councilmember Weiner stated that based on the allocation process as stated by Councilmember Cox, which he thought was equitable, the \$3,500 request by the Fraternal Order of Police to attend the Miss American Pageant did not bring any value to the residents.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Cox made a motion, seconded by Vice-Mayor Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

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9. PUBLIC COMMENTS

Ordinances - First Reading (Public Hearing to be held on October 6, 1999)

- 9.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 2, ARTICLE III OF THE TOWN CODE BY ADDING THERETO SECTION 2-43 ENTITLED "DUTIES OF COUNCILMEMBERS"; REITERATING AND CLARIFYING DUTIES PROVIDED FOR BY LAWS OF THE STATE OF FLORIDA AND THE CHARTER OF THE TOWN OF DAVIE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from August 18, 1999)**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Weiner asked Mr. Webber if he had researched the previous questions. Mr. Webber responded affirmatively, however, he did not have the opportunity to provide a written response because of the hurricane threat and noted that he had received an e-mail through Councilmember Weiner from Johnny Burris. Mr. Webber stated that he felt the issue regarding the dual-office holding was not relevant to the ordinance and added that he disagreed with Mr. Burris' conclusion. He advised that the language in the Charter was sufficiently broad to include quasi-judicial matters. With regard to the common law conflict raised by Mr. Burris, the 1980 Attorney General opinion that Mr. Burris was using was outdated and subsequently, there was no common law restriction. Mr. Webber stated that he was comfortable with the ordinance as drafted which was consistent with the Town's Charter.

Councilmember Weiner asked Mr. Webber if he had had a chance to consider whether Council was precluded from voting on this ordinance with Mr. Webber responding negatively.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table this item until the next meeting so that Mr. Webber could review whether any Councilmember had a conflict of interest. Councilmember Weiner questioned whether he could make the motion to table with Mr. Webber replying in the negative.

Councilmember Cox stated that she understood Councilmember Bush's problem but she did not understand Councilmember Weiner's problem in terms of not being able to make the motion. Councilmember Weiner responded that there was a lawsuit pending between himself and Vice-Mayor Bush over the dual office holding issue and he would not comment further until it was presented to Judge Robert Andrews.

Councilmember Paul made a motion, seconded by Councilmember Cox, to table to the October 6, 1999 meeting. Councilmember Weiner questioned if he and Vice-Mayor Bush could vote on the motion. Mr. Webber advised that he thought that Councilmember Weiner and Vice-Mayor could vote as it was not a substantive issue. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

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- 9.2 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 5, ENTITLED "BUILDINGS AND BUILDING REGULATIONS" BY DELETING THEREFROM ARTICLE III ENTITLED "PUBLIC SERVICE FEE"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Mayor Venis advised that a public hearing on this item would be held on December 6, 1999.

Councilmember Cox stated that this ordinance proved the need for a contingency fund.

Councilmember Cox made a motion, seconded by Vice-Mayor Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

- 9.3 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY AND EASEMENTS FOR A PORTION OF NW 38TH STREET, AND PROVIDING AN EFFECTIVE DATE. (VA 4-1-99, Town of Davie, located approximately 330 feet east of NW 74 Avenue)**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Cox made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

- 9.4 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO B-3, PLANNED BUSINESS DISTRICT, AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH AND; B-3, PLANNED BUSINESS DISTRICT TO B-3, PLANNED BUSINESS DISTRICT, AMENDING THE MASTER PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 6-1-99, Creative Child Learning Center, 1305 SW 101 Road)**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Carlos Gonzalez, 3109 Stirling Road, was present to answer any questions.

Mayor Venis closed the public comments.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

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- 9.5 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT AND CF, COMMUNITY FACILITIES DISTRICT, TO R-5, LOW MEDIUM DENSITY DWELLING DISTRICT, AND A-1, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-1-99, Alpha Baptist Church, Inc., 5230 Pine Island Road)

Town Clerk Reinfeld read the ordinance by title. Mayor Venis advised that a public hearing on this item would be held on October 6, 1999.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Barbara Hall, representing the applicant, was present.

Mayor Venis closed the public comments.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - no; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 3-2)

10. PUBLIC HEARINGS

Ordinances - Second and Final Reading

- 99-33 10.1 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ARTICLE II OF CHAPTER 26 OF THE CODE OF DAVIE ENTITLED "TREE PRESERVATION" BY PROVIDING FOR MORE STRINGENT TREE SPECIFICATIONS, SHORTER EXPIRATION PERIODS FOR TREE REMOVAL PERMITS, NEW FEE SCHEDULE FOR PAYMENTS INTO THE TREE PRESERVATION FUND IN LIEU OF TREE REPLACEMENT, AND ADDITIONAL MEASURES TO INSURE TREE PROTECTION AND SURVIVABILITY DURING THE CONSTRUCTION PROCESS, AMENDING ARTICLE III ENTITLED "TREE ABUSE"; PROVIDING FOR MORE STRINGENT TREE AND PALM PRUNING STANDARDS AND THE ADDITION OF A NEW TREE REPLACEMENT FEE AND EVALUATION SCHEDULE; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Councilmember Cox noted that there was a typographical error in Section 26-21(b) as she did not think the word "theater" should be referenced.

Mayor Venis closed the public hearing.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve with the proviso that in Section 26-21(b), the word theater be stricken. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

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- 10.2 SALE OF FIREWORKS - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ALLOWING FOR THE SALE OF LEGAL FIREWORKS FOR A TWO WEEK PERIOD COMMENCING TWO WEEKS PRIOR TO JANUARY 1, 2000 IN HONOR OF THE NEW MILLENNIUM; PROVIDING FOR A FEE FOR LICENSES TO SELL SAID FIREWORKS; PROVIDING FOR FEE EXEMPT LICENSES; PROVIDING FOR A BOND TO ASSURE CLEAN UP OF SALES AREA; PROVIDING FOR APPROVAL OF TOWN COUNCIL; PROVIDING FOR RESTRICTION OF LOCATION OF FIREWORKS SALES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Ordinance - First Reading (Public Hearing tentatively scheduled for December 1999)

- 10.3 COMPREHENSIVE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA APPROVING COMPREHENSIVE PLAN AMENDMENT LA(TXT)99-4B, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY REVISING PROVISIONS RELATING TO SPECIAL RESIDENTIAL FACILITIES; AMENDING THE SCOPE OF SPECIAL RESIDENTIAL FACILITIES PROVIDED FOR IN THE TOWN; REPLACING THE TERM "SPECIAL RESIDENTIAL FACILITY" WITH THE TERM "SPECIAL RESIDENTIAL HOME"; AMENDING AND SIMPLIFYING PROVISIONS PERTAINING TO OCCUPANCY, LOCATION, ELIGIBLE RESIDENTS AND FACILITY TYPE; DELETING UNNECESSARY DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from September 1, 1999) Local Planning Agency recommended that the Town Council transmit the proposed amendment to the Department of Community Affairs**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Jean Messler, 13300 SW 29 Street, questioned where the information in the staff report came from and where it was written that the Federal Fair Housing Act required that certain facilities which were not licensed be permitted; what facilities were permitted which were not licensed; how the Town could eliminate the licensing requirement in the Plan if Chapter 419 required licensing because according to the DCA, in the event of a conflict, the Plan supercedes the Code and the Code must be revised the reflect the Plan; and why the Town had advised Teen Challenge that it could not relocate to the Town since they did not have a license. Mr. Kutney responded that at the last meeting, he had indicated the licensing reference in the staff report and advised that the Town did not have the authority to override a State requirement relative to licensing. He indicated that it was staff's intent to eliminate the licensing information in the Code; however, the licensing issue was not relevant to a land use standpoint. In terms of the licensing, a facility would be required to obtain the appropriate

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State licensing, otherwise they would not be permitted to operate in the Town. He noted that he had never said that the Fair Housing Act dropped any licensing requirements.

Ms. Messler questioned where it was written what facilities were not required to be licensed due to the Federal Fair Housing Act. Planning and Zoning Manager Jeff Katims clarified that the Federal Housing Act did not specify any facilities that were permitted and explained that Fair Housing was an umbrella of protection for people with disabilities. He advised that the conflict with the licensing issue raised by staff was when a housing opportunity in a residential neighborhood could not be licensed by the State.

Councilmember Weiner questioned whether the Town could still require the licensure but add a caveat unless otherwise preempted by the Fair Housing Act or by State law. Mr. Webber responded that this could be incorporated. Mr. Kutney indicated that he did not feel that the Comprehensive Plan was the appropriate vehicle to address this issue and Councilmember Weiner's comments should be addressed in the Land Development Code.

Mr. Katims advised of a staff workshop that had been held on August 6, 1998 where approximately 30 minor issues were discussed. He indicated that four major topics were covered including: existing facilities be provided for under the proposed amendment; provide for transitional housing for recovering patients such as surgeries; compliance with Chapter 419; and relationship with the Federal Fair Housing to the proposed amendments.

Ellen Christopher, 3661 West Valley Green Drive, advised that she was waiting for a written reply to her questions from Mr. Kutney. She referred Council to the definition of "foster care facility" in the current plan as there was no reference to related or unrelated. Ms. Christopher questioned the broad dissemination of the proposal and alternatives and asked what the alternatives were.

Ms. Christopher provided a history of Teen Challenge and the lawsuit. If the Florida Statutes only required the Town to all group homes with 6 or less and 7 to 14 residents, she questioned why the Town was thinking of allowing a special residential home on an institutional scale to locate in a commercial zoning district. Ms. Christopher added that the legislative intent was to allow people with disabilities and/or special needs to live in a family environment in a residential area.

Ms. Christopher disagreed with the statement that the current proposal was consistent with the feedback and direction received at the workshop. She indicated that during the workshop, the issue of eliminating the licensing requirements were not an issue; however, there was a lot of discussion on this issue and how it would be worded. Ms. Christopher requested that the proposed amendment not be approved until all her questions and concerns had been answered.

Mr. Kutney indicated that staff was willing to provide a written response and indicated that he currently had three different requests from Ms. Christopher on various items. It was his intention to answer the questions; however, he had not had time to respond. Mr. Kutney noted that this was a long process and there were no statutory requirements to respond to her within a certain amount of time.

Mayor Venis closed the public hearing.

Councilmember Weiner questioned whether the pending questions could be transmitted along with the proposed amendment to Department of Community Affairs. Mr. Kutney responded that he could transmit the questions; however, he was not sure whether the Department would provide input or comment.

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Mayor Venis questioned whether it was an accurate assessment that the Town was changing the Plan as a result of the lawsuit. Mr. Webber stated that this was an inaccurate assessment and he believed the lawsuit raised the issues regarding the Code. He added that the judge had made the decision based on the estoppel theory and discussed the lawsuit.

Mr. Kutney clarified that there was no rush to complete the proposed amendment and noted that there was an ad in the newspaper in which the zoning in progress had commenced. He advised there was a six-month timeframe; however, it could be extended.

Councilmember Weiner commented that he would rather proceed cautiously since another attorney would be involved.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table until such time that outside counsel had been retained and until counsel had had an opportunity to provide a recommendation in how to proceed. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Quasi Judicial Items

- 10.4 **VARIANCE** - V 6-1-99, Creative Child Learning Center, 1305 SW 101 Road (B-3 and A-1) (to reduce the required number of parking spaces from 78 to a minimum of 56) (tabled from September 1, 1999) Planning and Zoning Division recommended denial; Planning and Zoning Board recommended approval with a minimum of 56 parking spaces subject to stabilizing west side of the project

Mr. Webber explained the rules concerning the presentation of evidence. Town Clerk Reinfeld swore in the witnesses. Mr. Kutney summarized the staff report.

An unidentified man, representing the petitioner, concurred with the staff report in that the parking requirement was excessive and discussed the change to the parking spaces as requested by the Planning and Zoning Board. He indicated that it was his contention that this was an improvement to the site.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the rezoning. No one spoke.

Mr. Webber stated that the hearing was concluded.

Vice-Mayor Bush made a motion, seconded by Councilmember Cox. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - no; Councilmember Weiner - no. (Motion carried 3-2)

Items to be withdrawn or tabled

- 10.5 **WITHDRAWN BY PETITIONER**

VARIANCE - V 6-3-99, Bennigan's Restaurant, 3305 South University Drive (B-2) (tabled from August 18, 1999)

This item was withdrawn by the petitioner.

- 10.6 **PLANNING AND ZONING BOARD TABLED TO SEPTEMBER 22, 1999; COUNCIL CAN TABLE TO OCTOBER 6, 1999**

VARIANCE - V 8-1-99, Regency Park, 15400 SW 50 Street (Commercial PUD)

This item was tabled earlier in the meeting.

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**10.7 PLANNING AND ZONING BOARD TABLED TO OCTOBER 27, 1999;
COUNCIL CAN TABLE TO NOVEMBER 3, 1999**

VARIANCE - V 5-4-99, Budget Rent-A-Car, 450 SW 130 Avenue (B-3)

This item was tabled earlier in the meeting.

Mayor Venis closed the public hearing portion of the meeting.

11. SITE PLANS

11.1 SP 6-7-99, Tail End Pet Resort, Orange Drive approximately 1,500 feet west of Nob Hill Road (A-1) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report items one through three*

Gus Aguirre, representing the petitioner, was present. Mr. Kutney summarized the planning report.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve subject to the recommendations from the Site Plan Committee and the Planning and Zoning Division. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

12. APPOINTMENTS

12.1 Child Safety Board (two exclusive appointments - Vice-Mayor Bush, Councilmember Paul and Councilmember Weiner; one exclusive appointment - Mayor Venis) (members shall reflect to the greatest extent possible, interest and expertise in the following areas: law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood) (term August 1999 to July 2000)

Vice-Mayor Bush appointed Joseph Brill and deferred his second appointment to the next meeting. Councilmember Paul appointed Dudley Jones and Rosemary Lanske to the Board. Councilmember Weiner appointed Mary Hass and deferred his second appointment at the next meeting. Mayor Venis appointed Jerry O'Neill.

12.2 National Congress of Cities Voting and Alternate Voting Delegates (November 30 - December 4, 1999)

Vice-Mayor Bush and Councilmember Cox were nominated as voting delegate and alternate voting delegate respectively. In a voice vote, all voted in favor. (Nominations carried 5-0)

13. OLD BUSINESS

13.1 Annual Safety Inspection Fee Schedule Review

Fire Chief Michael Donati provided a report regarding the six-month inspection fee program and indicated that as of September 7th, 347 annual inspections had been conducted with \$6,173 being collected in fees. He felt the program had been proceeding well and indicated that he had requested an additional fire inspector in the upcoming budget.

Mayor Venis questioned the total number of inspections that must be completed. Chief Donati responded that every business in the Town must be inspected and indicated that there

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were approximately 4,000 businesses. Councilmember Weiner asked how all the businesses could be inspected within a one-year period. Chief Donati replied that three additional fire inspectors would be required.

Councilmember Cox inquired as to whether there was a priority in which businesses were inspected. She suggested that the Town consider making businesses that were older and/or did not have a fire alarm or sprinkler system a higher priority rather than a new business with a fire alarm. Councilmember Cox felt that when this matter was addressed with the Board of Rules and Appeals, it should be noted that businesses were being constructed better and they had a better suppression system. She stated that annual inspections were excessive and noted that most insurance companies reviewed properties.

Councilmember Weiner concurred with Councilmember Cox and suggested focusing on older businesses that did not have the benefit of a sprinkler or fire alarm system. He suggested refocusing staff's energies on the east side and then move to the west side as it made more sense to concentrate on older businesses first. Chief Donati advised that staff could change the focus and indicated that inspections were currently being conducted on the east end.

14. NEW BUSINESS

14.1 Davie Elementary Shelter Project (Mayor Venis)

Mayor Venis noted the fundraising efforts on behalf of the school over the past year and advised of an agreement in which the Broward County School Board would match funds that were raised. He stated that the current shelters being built by the School Board were much larger and expensive and he requested possible additional funding from the Town. Mayor Venis indicated that the shelter would be located near Gessner Park and the residents would be afforded the opportunity to use the shelter. He anticipated that approximately \$20,000 was needed.

14.2 Muvico Traffic (Mayor Venis)

This item was discussed earlier in the meeting.

14.3 Staff Policy Changes and Modifications to Site Plans (Mayor Venis)

Mayor Venis commented that Council negotiated numerous concessions with developers and he would like to ensure that the developers did not have the opportunity to request changes from staff. He stated that if changes were to be made, the changes should be brought back for Council approval.

Councilmember Weiner questioned whether the Building Division had the ability to shut down a project that was not being built in conformance with the site plan. Mr. Webber replied that the South Florida Building Code provided procedures if the property had been "red tagged" or was not in compliance.

Mr. Middaugh indicated that Council needed to make sure that the concessions were captured within the motion so that there was a clear record in the minutes.

Mayor Venis felt this type of policy change was important.

Councilmember Cox questioned whether this would prohibit the Texaco Gas Station canopy situation. Mr. Kutney replied affirmatively.

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15. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 10:32 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk